

Serial No.: 10/594,655
Examiner: Sarah A. Simpson
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REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1 and 17 have been revised. Support for the revisions can be found at Figs. 1, 2B, 3, 4A and 5-7 and page 8, lines 11-13 and page 13, lines 2-3 of the specification, among other places. Claims 1-22 remain pending in the application.

Claim Rejections – 35 USC § 102

Claims 1-22 are rejected under 35 USC § 102(b) as being anticipated by Sato et al. (US 7,131,984). Applicants respectfully traverse this rejection.

Claim 1 requires a needle and a moving member for moving the needle attached thereto in an advancing direction from a standby position to a puncturing position. Claim 1 also requires the moving member to be moved in a retreating direction to be brought to the standby position by a pressure difference produced between a first space and a second space.

Sato et al. failed to disclose such a moving member required by claim 1. Nor does Sato et al. disclose the moving member to be moved in a retreating direction to be brought to a standby position by a pressure difference produced between a first space and a second space, as required by claim 1. In fact, Sato et al. discuss a needle 10b being moved by a lancet holder 1 which is moved by the force of a spring 17b and is thereby pulled out of the skin after the needle 10b sticks into the skin (see Sato et al., col. 9, lines 23-25 and Figs. 16 and 17). Nowhere do Sato et al. discuss a moving member having a needle attached thereto, wherein the moving member is moved in a retreating direction to be brought to a standby position by a pressure difference produced between a first space and a second space.

The rejection relies on a cylinder 31 in Sato et al. as suggesting the moving member required by claim 1. However, the cylinder 31 in Sato et al. does not have a needle attached thereto, as required by claim 1. Moreover, even assuming arguendo that the cylinder 31 had taught the moving member having a needle attached thereto, Sato et al. still do not disclose all the features of the invention of claim 1. Col. 7, lines 2-22 fails to disclose that the cylinder 31 is moved in a retreating direction by a pressure difference

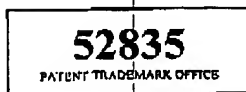
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produced between a first space and a second space.

For at least these reasons, claim 1 is patentable over Sato et al. Claims 2-16 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim 17 is patentable over Sato et al. for reasons similar to those discussed above for claim 1. Claim 17 requires a moving member for moving a needle attached thereto in an advancing direction from a standby position to a puncturing position. Claim 17 also requires the moving member to be moved in a retreating direction to be brought to the standby position by a pressure difference produced between a first space and a second space. Sato et al. fail to disclose such arrangements as required by claim 17 as discussed above for claim 1. For at least these reasons, claim 17 is patentable over Sato et al. Claims 18-22 depend ultimately from claim 17 and are patentable along with claim 17 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, James A. Larson, Reg. No. 40,443, at (612) 455-3805.



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DPM/JAL/cy

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